IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.Rev.Pet.No. 632 of 2007

CRA.54/2004 of ADDL. SESSIONS COURT (ADHOC-I), KOLLAM
CC.606/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA

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REVN. PETITIONER: APPELLANT/ACCUSED

K.S.UNNIKRISHNAN,
OVERSEER, K.S.E.B. MANJOR SECTION,
KANJANGAD, HOSDURG, KASARAGOD (DISTRICT).

BY ADV. SRI.D.KISHORE

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE
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1. A.R.SALIM,
ATTUMPURATHU VEEDU, PAZHAYATTINKUZHI,
VADAKKEVILA P.O., KOLLAM.

2. STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR MR. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.632 of 2007

DATED THIS THE 12TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the Sessions Judge, to undergo simple imprisonment for three months and to pay a compensation of Rs.75,000/-. Counsel for the revision petitioner has only sought for modification of the sentence. The mandatory imprisonment is avoided. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.75,000/- under Section 357(3) Cr.P.C.and in default to undergo simple imprisonment for three months. The revision petitioner is granted one month's time from today to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate-II, Kottarakkara to receive the sentence on 15-3-2007. The Crl.R.P.is disposed of accordingly.

Sd/-

K.R.UDAYABHANU, JUDGE

ks. **TRUE COPY**